

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jill MacDonald Boyce  
Serial No.: 10/529,711  
Filed: March 29, 2005  
For: IMPLICIT WEIGHTING OF REFERENCE  
PICTURES IN A VIDEO ENCODER

Examiner: An, S.

Group Art: 2621

**MAINTAINING APPEAL UNDER 37 C.F.R. §41.39(b)(2)**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In the Office Action dated November 1, 2007; the Examiner states that an Appeal Conference was held regarding the Applicant's appeal brief filed on July 5, 2007, and it was determined to reopen prosecution and set forth new grounds of rejection in the instant Office Action and the Office Action was made final. Applicant hereby traverses the new grounds of rejection and wishes to maintain the Appeal as provided for under 37 C.F.R. §41.39(b)(2). In order to maintain the Appeal under this section Applicant must:

*(2)Maintain appeal.* Request that the appeal be maintained by filing a reply brief as set forth in § 41.41. Such a reply brief must address each new ground of rejection as set forth in § 41.37(c)(1)(vii) and should follow the other requirements of a brief as set forth in § 41.37(c). A reply brief may not be accompanied by any amendment, affidavit (§§ 1.130, 1.131 or 1.132 of this title) or other evidence. If a reply brief filed pursuant to this section is accompanied by any amendment, affidavit or other evidence, it shall be treated as a request that prosecution be reopened before the primary examiner under paragraph (b)(1) of this section.

Therefore, please note that Applicant wishes to maintain the Appeal. Thus accompanying this transmittal letter is a new Notice of Appeal and a new Appeal Brief addressing each of the new grounds of rejection, as required under this section.

Furthermore, Applicant is aware that any increase in fees since the Appeal Brief and Notice of Appeal fees were paid and now must be now paid. Previously, the Applicant had paid \$500 each for the Appeal Brief fee and for the Notice of Appeal fee. The current fee schedule now lists each of these fees as being \$510 each. Therefore applicant believes that a total of \$20 is now due. Therefore, Applicant authorizes charging Deposit Account 07-0832 to collect these fee increases. Furthermore, if Applicant has incorrectly interpreted this requirement, or incorrectly calculated the fees now due, you are also authorized to charge Deposit Account No. 07-0832 for such amount now due to place the Notice of Appeal and Appeal Brief in the application.

Respectfully submitted,  
Jill MacDonald Boyce

By: /Guy H. Eriksen/

Patent Operations  
Thomson Licensing LLC  
P.O. Box 5312  
Princeton, NJ 08543-5312

Guy H. Eriksen, Attorney for Applicants  
Registration No.: 41,736  
(609) 734-6807

Date: 29 November, 2007